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Paper No. 12

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JAN 16 2004

OFFICE OF PETITIONS

In re Application of
George G. Gelfer
Application No. 09/481,477
Filed: January 11, 2000
Attorney Docket No. 5685

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 14, 2003, to revive the above-identified application.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled A Renewed Petition under 37 CFR 1.137(b).@ This is not final agency action within the meaning of 5 U.S.C. ' 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed;¹ (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a verified statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional"; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). The instant petition lack(s) item(s) (1).

As to item (1), The petition filed in the above-identified application was not accompanied by a reply to the non-final Office action mailed February 21, 2003. The required reply to a non-final Office action in a non-provisional application must be either: an argument or amendment under 37 CFR 1.111, a Request for Reconsideration, or a continuing application. See MPEP 711.03(C).

In response to petitioner's request, a copy of the Office action issued July 16, 2002 will be mailed with this decision.

¹ In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window
Crystal Plaza 2, Lobby (Rm. 1B03)
2011 South Clark Place
Arlington, VA 22202

By Fax: (703) 872-6906
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed the undersigned at (703) 308-6911.



Latrice Bond
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Non-Final Office action